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 CHRISTINE S. ORLANDO

*ALSO ADMITTED IN NEW YORK

+ALSO ADMITTED IN PENNSYLVANIA

-ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO CHERRY HILL, NJ

LIBERTY VIEW
 457 HADDONFIELD ROAD, SUITE 230
 CHERRY HILL, NJ 08002
 (856) 317-7100
 FAX: (856) 317-7117

OTHER OFFICES

<p>85 LIVINGSTON AVENUE ROSELAND, NJ 07068-3702 (973) 535-0500 FAX: (973) 535-9217</p>	<p>HARBORSIDE FINANCIAL CENTER 2510 PLAZA FIVE JERSEY CITY, NJ 07311 (201) 521-1000 FAX: (201) 521-0100</p>
<p>888 SEVENTH AVENUE 9TH FLOOR NEW YORK, NY 10106 (212) 307-3700 FAX: (212) 262-0050</p>	<p>1500 MARKET STREET 12TH FLOOR, EAST TOWER PHILADELPHIA, PA 19102 (215) 246-3403 FAX: (215) 665-5727</p>
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COUNSEL

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November 14, 2012

Writer's Email Address: MBaker@connellfoley.com

VIA ECF

The Honorable Joseph A. Dickson, U.S.M.J.
 U.S. Post Office & Courthouse Bldg.
 Federal Square Newark, NJ 07101

**Re: Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey
 Civil Action No. 12-2378(DMC-JAD)**

Dear Judge Dickson:

Please be advised that my firm represents Horizon Blue Cross Blue Shield of New Jersey ("Horizon") in the above captioned matter. This matter was removed to this Court on or about April 23, 2012 and Horizon filed its answer on or about May 10, 2012. The parties met with your Honor for a R. 16 Scheduling Conference on July 18, 2012 and have been proceeding through discovery. In an effort to clean up the docket and in the hopes of consolidation, Horizon consented to allow the Plaintiff to amend their complaints. This action is just one of nineteen (19) matters pending in this Court between Plaintiff and Horizon involving substantially similar issues.

Plaintiff did indeed file an amended complaint in this matter, with the consent of Horizon, on or about September 14, 2012. This was the only matter in which the amended complaint was filed and it was inadvertently missed and to date, no answer to the amended complaint has been filed. It was not until today that I realized that I had in fact not responded to the amended complaint. Upon realization that I have not filed an answer to the amended complaint I contacted my adversary, and he has consented to me filing an answer out of time. I also spoke with your law clerk this afternoon who suggested that I write your Honor a letter explaining the situation. I respectfully ask for your Honor's permission to file this answer out of time.

The Honorable Joseph A. Dickson, U.S.M.J.
November 14, 2012
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Respectfully,

CONNELL FOLEY LLP



Matthew A. Baker

MAB/meb
cc: Andrew Bronsnick, Esq. (via ECF)